

WWR# 9557828

U.S. BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA (OKLAHOMA CITY)

In Re: Stacy A. Johnson)	Case No. 11-15418
)	Chapter 7
Debtor,)	Hon. Judge T.M. Weaver
)	
Stacy A. Johnson)	
)	Adv. No. 11-01163
Plaintiff,)	
v.)	
National Collegiate Trust)	
)	
Defendant.)	

NATIONAL COLLEGIATE TRUST'S ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES National Collegiate Trust ("NCT"), by and through counsel, and for its answer to Plaintiff's Complaint, states as follows:

1. NCT denies the allegations of paragraph 1.
2. NCT denies the allegations of paragraph 2.
3. NCT admits that Plaintiff is indebted to it on six (6) student loans, which were originally granted to Plaintiff by private lenders, and which are described as follows:

	ACCOUNT NUMBER	DATE DISPERSED	BALANCE AS OF 02/23/12
A.	001	06/05/03	\$16,557.86
B.	002	09/10/04	\$12,648.93
C.	003	03/31/05	\$11,962.78
D.	004	09/12/05	\$25,635.91
E.	005	06/23/06	\$16,201.40
F.	006	05/29/07	\$23,496.55

NCT is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 3.

4. NCT denies the remaining allegations of paragraph 4.
5. NCT is without knowledge or information sufficient to form a belief as the truth of the allegations as to how the debtor used the proceeds of the student loans and denies the remaining allegations of paragraph 5.
6. NCT denies the allegations of paragraph 6.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim for which relief may be granted.
2. The student loans are non-dischargeable under §523(a)8(A)(i) because they were guaranteed by TERI, a non-profit organization.
3. The student loans are non-dischargeable under §523(a)8(A)(ii) because they are an obligation to repay funds that were conferred as an educational benefit.
4. The student loans are non-dischargeable for fraud under §523(a)2(B) because the loans were restricted and to be used only for debtors' educational expenses according to the underlying non-negotiable credit agreements for each loan.

Respectfully submitted,

By: /s/ Roger D. Everett
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Attorney for Defendant,
National Collegiate Trust

CERTIFICATE OF SERVICE

I, Roger D. Everett, certify that on this 18th day of May, 2012, I caused the above Answer to be filed electronically with the Court Clerk of U.S. Bankruptcy Court for the Western District of Oklahoma and as such the Court Clerk noticed all parties requesting notice via the Court's CM/ ECF electronic noticing system including but not limited to the following parties:

Martin D. Martin, Attorney for Debtor/ Plaintiff
marty@attorneyok.com

Robert A. Brown, Chapter 7 Trustee
bob@bobbrownattorney.com, amy@bobbrownattorney.com; rabrown@ecf.epiqsystems.com;
teresa@bobbrownattorney.com; reception@bobbrownattorney.com

Office of the United States Trustee
USTPRegion20.TU.ECF@usdoj.gov

and via U.S. Mail postage prepaid to:

Stacy A. Johnson
1905 Westchester Drive
Oklahoma City, OK 73120-1130.

/s/ Roger D. Everett
Roger D. Everett